



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 30, 2023

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Trevor Milton*, S1 21 Cr. 478 (ER)

Dear Judge Ramos:

The Government writes regarding notice to victims regarding sentencing and a potential restitution award in the above-captioned matter. For the reasons set forth below, the Government respectfully requests that the Court permit the Government to provide notice by issuing a press release and/or making a public post on a Department of Justice website.

The Justice for All Act of 2004 provides that crime victims have, among other things, the right to reasonable, accurate, and timely notice of any public court proceeding, the right to be reasonably heard at any public proceeding in the district court involving sentencing, and the right to full and timely restitution as provided in law. *See* 18 U.S.C. § 3771(a). Section 3771 requires the Court to ensure that crime victims are afforded the rights enumerated in the statute, *see* 18 U.S.C. § 3771(b), and obligates the Government to use “best efforts to see that crime victims are notified of, and accorded, the rights” provided, *see* 18 U.S.C. § 3771(c)(1). While the Act does not set forth any specific notification procedures, it provides that particularly in cases involving a large number of crime victims, “the court shall fashion a reasonable procedure to give effect to [the Act] that does not unduly complicate or prolong proceedings.” 18 U.S.C. § 3771(d)(2).

This case involves thousands of crime victims who purchased Nikola stock during a period in which the share price was inflated as a result of the defendant’s material misrepresentations. To date, the Government has provided notice to victims through a press release at the time of the case’s initiation, through the establishment of a designated email account for correspondence with crime victims, and through the Department of Justice victim notification system, among other things. The defendant’s sentencing will implicate victims’ right to attend and be heard at the proceeding, as well as their right to restitution, and for that reason, the Government requests permission to provide notice to all potential victims through a website. Because of the impracticalities of individual notification—in particular, the fact that the Government does not have contact information for all potential victims—website

notification is necessary to ensure that potential victims are afforded their rights under Section 3771.

Accordingly, the Government respectfully requests that the Court order that notification about the sentencing and any subsequent proceeding regarding restitution may be made by a press release and/or website page; that such notification will list the case information, the date of the proceeding(s), the victims' rights, and contact information for the Government; and that those procedures are reasonable and give effect to the notification rights contained in Title 18, United States Code, Section 3771(a).

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by: /s/ Nicolas Roos
Nicolas Roos
Matthew Podolsky
Assistant United States Attorneys
(212) 637-2421

SO ORDERED:

HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE